

**REMARKS/ARGUMENTS**

Claims 21, 23-25, 27 and 28 are pending. Claims 21 and 25 have been amended. No new matter has been introduced by virtue of these amendments. Reconsideration of the claims is respectfully requested.

**Examiner Interview**

The undersigned would like to thank the Examiner for the telephonic interview conducted on March 21, 2007. Claim 21 was discussed with respect to the Ahlstrom et al. (U.S. Patent No. 6,327,618, hereinafter "Ahlstrom") and Hayashi et al. (U.S. Patent No. 5,651,100, hereinafter "Hayashi") references. Proposed claim language was discussed. It is noted with appreciation that the Examiner appeared to be persuaded as to the distinctions over the prior art. Consequently, the independent claims have been amended accordingly. The additional features recited in the claims are discussed in the specification at, for example, page 16, lines 11-16. No new matter has been added.

**35 U.S.C. §112 Rejection of Claims 21, 23-25, 27, and 28**

Claims 21, 23-25, 27, and 28 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner stated that "independent claims 21 and 25... [are] incomplete because it does not specify what happens if the inconsistency degree is within norm or there is no conflict." (Office Action mailed January 11, 2007, page 2).

Although Applicants believe the claims, as previously presented, are sufficiently clear and definite as required by Section 112, the clarifying amendments discussed below to address the Section 103 rejection are believed to also address the Section 112 rejection. As such, Applicants respectfully request that the Section 112 rejection of claims 21, 23-25, 27, and 28 be withdrawn.

**35 U.S.C. §103(a) Rejection of 21, 23-25, 27, and 28**

Claims 21, 23-25, 27, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ahlstrom in view of Hayashi. Without conceding the merit of the rejection, independent claims 21 and 25 have been amended to clarify the distinctions between the claims and the cited prior art. As amended, independent claim 21 recites, in part:

A job controlling method in a computer system which includes a host computer and a storage apparatus, comprising:...  
calculating an inconsistency degree of the defined job with the condition information by **comparing the parameter of the job with the condition information**;...  
**if the inconsistency degree is within a predefined threshold, then executing the job according to the parameter**;  
(Applicants' amended claim 21 in part, emphasis added)

Applicants respectfully submit that at least the above limitations are not taught or suggested by Ahlstrom or Hayashi, considered individually or in combination.

**1. "comparing the parameter of the job with the condition information"**

Applicants respectfully submit that neither Ahlstrom nor Hayashi teach anything about comparing a parameter of a job with condition information as recited in claim 21. As best understood, Ahlstrom is directed to a method for processing conflicts between policies in a network management system. Thus, at best, Ahlstrom discloses comparing one policy to another. Hayashi is directed to calculating inconsistencies between factor values in a reasoning apparatus. Thus, at best, Hayashi discloses comparing one factor value to another. Applicants submit that neither of the above teachings correspond to comparing a parameter of a job to condition information as recited in claim 21.

During the Interview, the Examiner asserted that the above limitation is disclosed by the cited references because a "parameter of a job" and "condition information" are, in the Examiner's view, generic labels for data. The Examiner explained that comparing a job parameter with condition information is equivalent to comparing any two pieces of information. In response, Applicants' representatives argued that the recited "job," "parameter of a job," and "condition information" are specifically recited elements that are more than abstract pieces of information. The Examiner then asserted that those descriptions constitute "non-functional, descriptive language" and therefore cannot be considered to limit the claim. The Examiner, however, suggested that if the claims were amended to include a positive recitation of executing a job according to a job parameter, the phrase "parameter of the job" within the step of

"comparing the parameter of the job with condition information" would constitute functional descriptive material and indicated that would be sufficiently clear to distinguish over Ahlstrom and Hayashi.

While Applicants respectfully disagree with the Examiner's foregoing assertions, Applicants nonetheless do appreciate the Examiner's suggestion and have amended claim 21 accordingly in order to advance prosecution of the present application. Thus, claim 21 now recites a positive step of executing a job according to a job parameter: "if the inconsistency degree is within a predefined threshold, executing the job according to the parameter." (Lines 11-12 of claim 21) Accordingly, Applicants respectfully submit that the feature of "comparing the parameter of the job with the condition information" as recited in claim 21 is distinguishable over Ahlstrom and Hayashi, considered individually or in combination. For at least this reason, Applicants respectfully submit that claim 21 is allowable over the cited prior art and the rejection should be withdrawn.

**2. "if the inconsistency degree is within a predefined threshold, executing the job according to the parameter"**

Applicants further submit that Ahlstrom and Hayashi, considered individually or in combination, fail to teach or suggest "if the inconsistency degree is within a predefined threshold, executing the job according to the parameter" as recited in claim 21.

Fig. 2C of Ahlstrom illustrates the steps performed in the invention of Ahlstrom. As shown, Ahlstrom is only concerned with receiving a first policy and a second policy (step 206), and determining whether a conflict exists between the two policies (steps 222 and 224). As best understood, Ahlstrom is completely silent on executing a job if the value of a calculated inconsistency degree is within a predetermined threshold.

The deficiencies of Ahlstrom in this regard are not cured by Hayashi. As described above, Hayashi merely discloses calculating an inconsistency degree between factor values in a reasoning apparatus. (See Hayashi, Fig. 10) Like Ahlstrom, Hayashi makes no reference to executing a job if the value of a inconsistency degree is within a predetermined threshold.

Thus, even if Ahlstrom and Hayashi were combined as suggested by the Office Action (although there appears to be no motivation to combine), the resultant combination would

not teach or suggest "if the inconsistency degree is within a predefined threshold, executing the job according to the parameter" as recited in claim 21. For at least this additional reason, Applicants respectfully submit that claim 21 is allowable over the cited prior art and the rejection should be withdrawn.

### **3. Remaining Claims**

Amended independent claim 25 recites limitations that are substantially similar to claim 21. As such, claim 25 is allowable for at least a similar rationale as discussed above for claim 21, and others.

Dependent claims 23, 24, 27, and 28 depend (either directly or indirectly) from claims 21 and 25 respectively, and are thus allowable for at least a similar rationale as discussed above for claims 21 and 25, and others.

### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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